

## Message Text

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PAGE 01 PALERM 00547 301212Z  
ACTION SCS-06

INFO OCT-01 EUR-12 ISO-00 L-03 JUSE-00 SSO-00 /022 W  
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O 301220Z MAY 78  
FM AMCONSUL PALERMO  
TO SECSTATE WASHDC IMMEDIATE 2488  
INFO AMEMBASSY ROME IMMEDIATE

UNCLAS PALERMO 0547

E.O. 11652: NA  
TAGS: CGEN: (APPLEBY, RICHARD)  
SUBJECT: JUDICIAL ASSISTANCE: US V. GIUSEPPE GAGLIO ET AL

REF: STATE 133350 AND PALERMO 0545

1. CONOFF DISCUSSED DEPOSITIONS IN GAGLIO CASE WITH ASST. U.S. ATTORNEY RICHARD APPLEBY AND IRS SPECIAL INVESTIGATOR, RICHARD MARLOW, MORNING MAY 30.
  2. COURT ORDER ISSUED BY U.S. DISTRICT JUDGE OF EASTERN DISTRICT OF NEW YORK, JACK B. WEINSTEIN DOES NOT REPEAT NOT REQUEST U.S. CONSULAR OFFICER, PALERMO, TO TAKE DEPOSITIONS AND IMPLIED IN PARA 3 OF STATE REFTEL. THE RELEVANT PARAGRAPH RENDS "ORDERED THAT JOSEPH BARBELLA, OFFICIAL COURT REPORTER FOR THE EASTERN DISTRICT OF NEW YORK, AND RICHARD MARLOW, SPECIAL AGENT OF INTERNATIONAL REVENUE SERVICE, SHALL ACCOMPANY ASSISTANT UNITED STATES ATTORNEY RICHARD APPLEBY TO PALERMO, ITALY FOR THE PURPOSE OF TAKING THE DEPOSITIONS."
  3. COURT APPEARS TO REQUEST CONSULAR INVOLVEMENT ONLY IN ADMINISTRATION OF OATHS AS IN FOLLOWING PARAGRAPH:  
"ORDERED THAT OATHS SHALL BE ADMINISTERED TO THE WITNESSES BY AN AMERICAN OR ITALIAN OFFICIAL AUTHORIZED TO ADMINISTER OATHS AND THAT THE COSTS FOR SUCH OFFICIAL SHALL BE BORNE 25 PERCENT UNCLASSIFIED
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- BY THE GOVERNMENT AND 75 PERCENT BY THE DEFENCE".
4. JUDGE ALSO ORDERED THAT "THE DEPOSITIONS WILL THEN BE TAKEN AT THE AMERICAN CONSULATE IN PALERMO, ITALY OR, IF IT IS NOT POSSIBLE TO TAKE THE DEPOSITIONS THERE, AT A PLACE OR PLACES TO BE AGREED UPON BY COUNSEL AND SHALL BE PRESERVED FOR USE AT TRIAL BY HAVING THE TESTIMONY TAKEN BY AN OFFICIAL

COURT STENOGRAPHER OF THE UNITED STATES AND THAT ELECTRICAL EQUIPMENT MAY BE USED TO MEMORALIZE THE DEPOSITION....."

5. ATTORNEY APPLEBY INTENDS TO HAVE COURT REPORTER RENDER TESTIMONY INTO FINAL FORM AFTER THEY RETURN TO U.S. COURT REPORTER WILL SIGN AFFIDAVIT HERE THAT HE SWEAR HE WILL FAITHFULLY TRANSCRIBE ALL HIS NOTES INTO A FINAL PRINTED FORM.

6. AS NO COMMISSION OR NOTICE TO TAKE A DEPOSITION HAS BEEN ADDRESSED TO A CONSULAR OFFICER OF THE UNITED STATES IN PALERMO, WE INTEND TO LIMIT OUR PARTICIPATION TO ADMINISTERING THE OATHS TO THE COURT REPORTER, INTERPRETER AND THE WITNESSES. FEES WILL ONLY BE COLLECTED FOR THESE SERVICES. WE ASSUME THESE EXPENSES WILL BE PAID IN ACCORDANCE WITH PARA 5 OF STATE REFTTEL, EVEN THOUGH COURT ORDER STATES 75 PERCENT OF ALL COSTS WILL BE PAID BY DEFENSE, AND THAT DEPARTMENT OF JUSTICE WILL BE LATER REIMBURSED BY DEFENSE.

7. AS WE KNOW OF NO ITALIAN LAW THAT IS BEING DISREGARDED, WE ASSUME SUCH A PROCEDURE IS FULLY ACCEPTABLE TO THE U.S. DISTRICT COURT MAKING THE REQUEST. ANY OBJECTION OR OTHER INSTRUCTIONS THE DEPARTMENT MAY HAVE, SHOULD BE SENT BY IMMEDIATE CABLE. COLLINS

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## Message Attributes

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**Decaption Date:** 20 Mar 2014  
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**Disposition Approved on Date:**  
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**Disposition Comment:**  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014